

1 UNITED STATES DISTRICT COURT  
2 FOR THE MIDDLE DISTRICT OF TENNESSEE  
3 NASHVILLE DIVISION

4 UNITED STATES OF AMERICA )  
5 vs. ) CASE NO. 3:10-00250  
6 MATTHEW PAUL DEHART )

7  
8 TRANSCRIPT OF PROCEEDINGS  
9

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11 BEFORE: THE HONORABLE ALETA A. TRAUGER  
12 DATE: APRIL 4, 2013  
13 TIME: 10:00 A.M.  
14

15 APPEARANCES:

16 FOR THE GOVERNMENT: CARRIE DAUGHTREY  
17 LYNNE INGRAM  
18 U.S. Attorney's Office  
Nashville, Tennessee

19 FOR THE DEFENDANT: MICHAEL TERRY  
20 STEPHANIE GORE  
Nashville, Tennessee

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22 REPORTED BY: BEVERLY E. "BECKY" COLE, RPR  
23 OFFICIAL COURT REPORTER  
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1           THE COURT: Good morning. We're here on a status  
2 hearing and a detention hearing on U.S. vs. Matthew DeHart.

3           We have Carrie Daughtrey for the government and  
4 Michael Terry for the defendant.

5           Mr. Terry, on this one, you are main counsel and  
6 Ms. Gore is pro bono?

7           MR. TERRY: Right.

8           THE COURT: All right. You all have come up with  
9 some agreement, so let he hear what the story is here today.

10          MR. TERRY: Your Honor, I have an announcement to  
11 make. It's 9:00. I received a telephone call voicemail  
12 initially informing me that my client and both of his  
13 parents were in Canada, and they were seeking political  
14 asylum.

15          THE COURT: Oh, my word.

16          MR. TERRY: Yeah, that's kind of what I said.

17          THE COURT: Ms. Daughtrey's jaw just dropped, so  
18 I guess you just learned it as well. Oh, my word.

19          MR. TERRY: So that's the status of our status  
20 conference.

21          THE COURT: Okay.

22          MR. TERRY: What I would like to do is I would  
23 like to file a declaration, my declaration, under seal and  
24 give the court some information, and if you believe I should  
25 share the information, I will share it.

1           And if Matthew DeHart is returned to this jurisdiction  
2 for prosecution, we would like to continue our  
3 representation of him.

4           THE COURT: Okay. Just so that I get a little  
5 more background, could you tell me what your agreements were  
6 before this most regrettable development?

7           MR. TERRY: We agreed on the revocation -- we're  
8 here on a revocation hearing.

9           THE COURT: Yes.

10          MR. TERRY: We agreed that the revocation  
11 petition would not be dismissed but that it would not be  
12 adjudicated and it would pend indefinitely.

13          MS. DAUGHTREY: The reason for that too, Your  
14 Honor, is because we're still continuing to try to get the  
15 -- resolve the situation.

16          And had we resolved it, the government would have  
17 asked the court to dismiss the revocation petition. So, I  
18 mean, we were working in a, I thought, positive direction.

19          MR. TERRY: Me too. The -- and believe me, the  
20 DeHarts were fully informed. And I'll address some of the  
21 family issues in this declaration to help you understand. I  
22 just don't know. I want to look at my only obligations in  
23 this regard.

24          MS. DAUGHTREY: Your Honor. I'm sorry, I thought  
25 were you done, Mr. Terry, please.

1 MR. TERRY: Go ahead.

2 MS. DAUGHTREY: Your Honor, under these  
3 circumstances I would ask that be a bench warrant issued for  
4 Mr. DeHart since he's not here today.

5 THE COURT: He wasn't excused. It was a  
6 detention review. Even if you had an agreement, I might not  
7 have gone along with your agreement, so I think he did have  
8 an obligation to be here today, unless you all had agreed he  
9 didn't have to come.

10 MR. TERRY: We expected to meet him in the  
11 cafeteria at 9:30. There was no doubt. We met with him  
12 this week. He's fully informed of our agreements and that  
13 we intend -- we thought we would have a brief status  
14 conference, implement these agreements --

15 THE COURT: Yeah.

16 MR. TERRY: -- and move on with the defense.

17 THE COURT: Okay.

18 MR. TERRY: The second agreement was that we had  
19 agreed to -- jointly agreed to continue the trial, that the  
20 trial in May was too soon for a number of reasons, and we  
21 had discussed continuing the trial date until sometime this  
22 fall, and we were going to present you with a waiver today.

23 THE COURT: All right.

24 MR. TERRY: Those were essentially the two  
25 agreements.

1           THE COURT:   Okay.   I guess I'll just leave the  
2 trial on the docket at this point or --

3           MR. TERRY:   Well, I guess -- I don't --

4           THE COURT:   I don't want to put you all in a  
5 difficult position.

6           MR. TERRY:   If he were to present, then he still  
7 has a right to a speedy trial, so I would assume that if he  
8 returns in any form that we'll address that then.

9           THE COURT:   Yeah.   I think I'll just leave it on  
10 the docket then.

11          MR. TERRY:   Okay.   And with your permission, I'll  
12 file a declaration today.

13          THE COURT:   Yes.

14          MR. TERRY:   And you can tell us what you think we  
15 should do from there.

16          THE COURT:   Okay.   And your pending request filed  
17 under seal, did you discuss that with the government at all?

18          MR. TERRY:   No.

19          THE COURT:   Okay.   And I'll just leave that  
20 sitting.

21          MR. TERRY:   That just needs to pend right now.

22          THE COURT:   Wow.

23          MR. TERRY:   Always surprises in this business.

24          THE COURT:   Yes.

25          MS. DAUGHTREY: Your Honor, I'm a little

1 flabbergasted obviously by this. I'm not entirely sure that  
2 his speedy trial right doesn't stop at this point.

3 THE COURT: I think it probably does.

4 MS. DAUGHTREY: Okay.

5 THE COURT: But then if he gets arrested, then  
6 the clock starts ticking again.

7 MS. DAUGHTREY: Right, okay.

8 THE COURT: And who knows what that date will be.

9 MS. DAUGHTREY: Yeah, and I understand that you  
10 are going to leave the trial on the calendar, but I'm also  
11 presuming that you are not necessarily expecting that we're  
12 going to be prepared for trial that day.

13 MR. TERRY: I won't, if he comes back tomorrow.

14 MS. DAUGHTREY: Thank you, Mr. Terry.

15 THE COURT: Okay. I will note that it will not  
16 go forward. Nobody will be preparing for that trial in May.

17 MS. DAUGHTREY: Thank you.

18 THE COURT: But I'm going to leave it on the  
19 calendar nevertheless.

20 If I issue a bench warrant, I think you'll have to  
21 initiate extradition procedures.

22 MS. DAUGHTREY: Yes, Your Honor.

23 THE COURT: I presume we have an extradition  
24 treaty with Canada.

25 MS. DAUGHTREY: We do. Yes, Your Honor.

1           THE COURT: But we will go ahead and issue a  
2 bench warrant, and we'll just wait for the next exciting  
3 development. Wow. Okay. Thank you, folks.

4           MR. TERRY: Thank you.  
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REPORTER'S CERTIFICATE

I, BEVERLY E. "BECKY" COLE, Official Court Reporter for the United States District Court for the Middle District of Tennessee, with offices at Nashville, do hereby certify:

That I reported on the stenotype shorthand machine the proceedings held in open court on April 4, 2013, in the matter of UNITED STATES OF AMERICA vs. MATTHEW DEHART, Case No. 3:10-00250;

That a transcript of proceedings in connection with the hearing was reduced to typewritten form by me;

That the foregoing transcript is a true and accurate record of the proceedings to the best of my skills and abilities;

This the 17th day of May, 2015.

/s/  
BEVERLY E. COLE, RPR